

City of Nanaimo
REPORT TO COUNCIL

FILE COPY

DATE OF MEETING: 2013-NOV-18

AUTHORED BY: GARY NOBLE, DEVELOPMENT APPROVAL PLANNER, PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP214 - 3105 UPLANDS DRIVE

STAFF RECOMMENDATION:

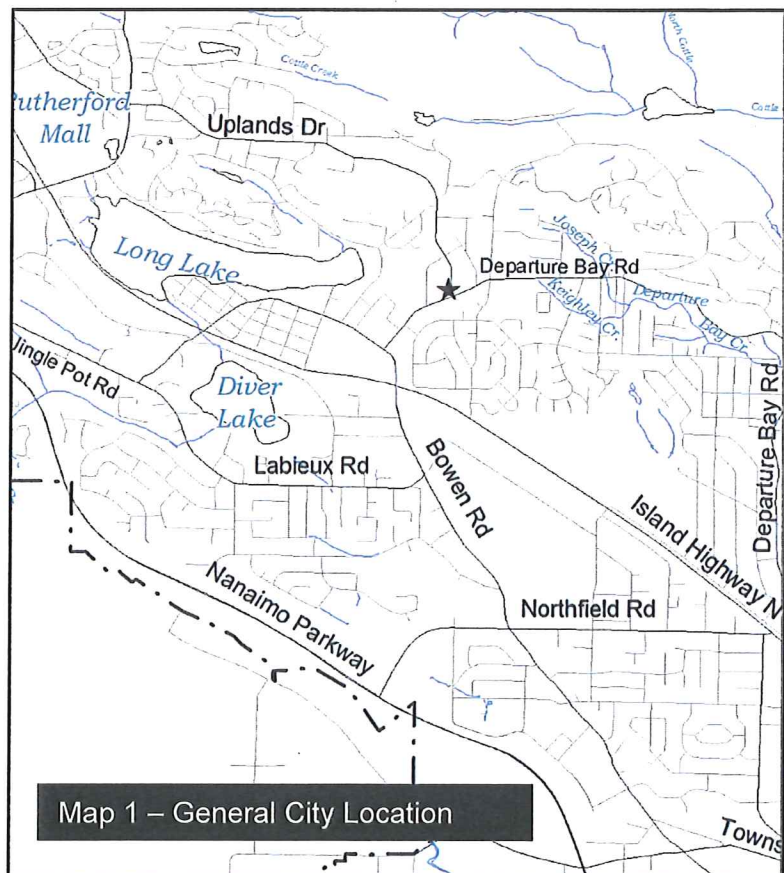
That Council issue Development Variance Permit No. DVP214 at 3105 Uplands Drive.

PURPOSE:

The purpose of this report is to seek Council authorization to vary the lot depth and rear yard setback provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", in order to permit a two lot subdivision.

BACKGROUND:

A Development Variance Permit (DVP) application was received from Mr. Hans McLean, on behalf of Mr. and Mrs. Scott D. Beddall, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit a two-lot, single family residential – R1 subdivision. The variances would bring the existing dwelling on proposed Lot 2 into conformity with the bylaw. Proposed Lot 2 of the subdivision includes an existing house with an open deck above a carport which is 3.14m from the proposed rear yard property line. The required rear yard setback for the R1 zone is 7.5m but an open deck can encroach 2m into the rear yard, as such a rear yard setback variance of 2.36m is required.



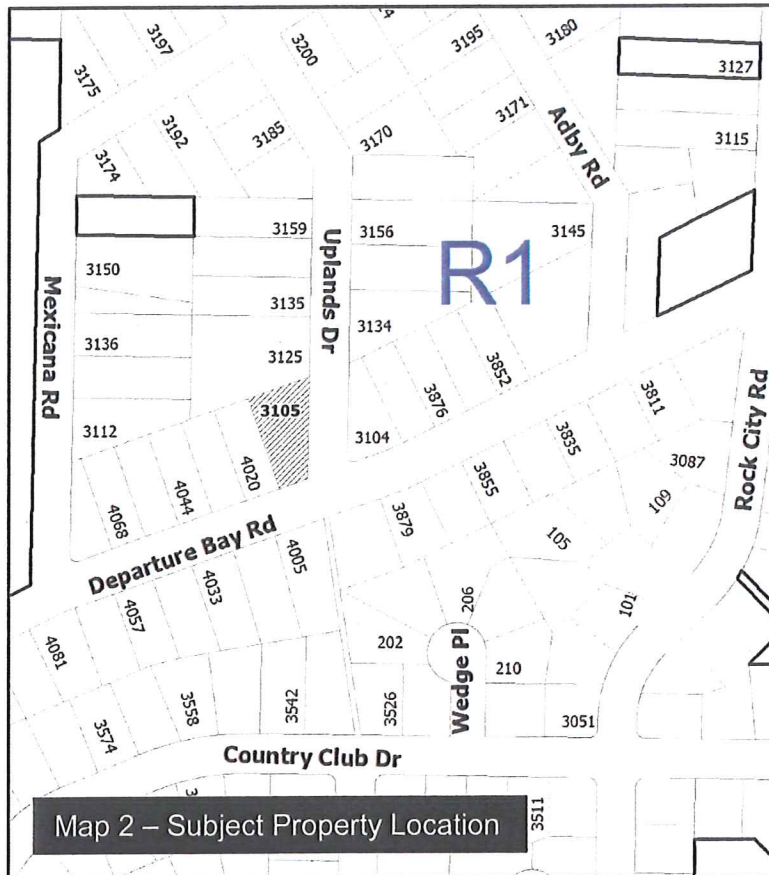
The required depth for an R1 zoned lot is 30m. Once the required 2.5m road dedication is taken along Uplands Drive, the proposed lot depth of Lot 1 would be 23.94m, a lot variance of 6.06m. The required lot depth of proposed Lot 2 would be 27.69m once the required road dedication of 2.75m is taken along Uplands Drive. A lot depth variance of 2.3 m is required for Lot 2.

At its meeting of 2013-OCT- 21, Council approved Statutory Notification for DVP00214. Statutory Notification must take place prior to Council's consideration for the approval of the variance.

Subject Property

The subject property is located on the corner of Uplands Drive and Departure Bay Road (see 'Map 1 – General City Location' and 'Map 2 – Subject Property Location'), and is part of an established neighbourhood, which is predominantly single dwelling residential.

The property is approximately 1,017.5m² after road dedication. The subject property is a larger corner lot on Departure Bay Road.



The proposed Lot 2 contains an existing single residential dwelling which the applicant plans to retain. The proposed lot is 516.5m² in site area, and as such, it exceeds the minimum required lot area within the R1 zone by 16.5m². The lot will continue to front on Departure Bay Road.

DISCUSSION:

Proposed Development

This applicant submitted an application to subdivide the subject property into a two-lot subdivision. Both lots will have the required 15m minimum road frontage. Proposed Lot 1 has a lot area of 501.0m² and proposed Lot 2 has a lot area of 516.5m², both exceed the minimum lot size of 500m².

The foundation of the existing dwelling is set back 11.44m from the proposed rear property line, thus exceeding the required 7.5m rear yard setback. The existing deck above the carport is 3.14m from the rear yard and requires a rear yard setback variance of 2.36m, as an open deck is allowed to encroach up to 2m into the rear yard.

As a condition of subdivision, where future road expansion along a major road may be required, a portion of property may be dedicated for road. For the subject property, a 2.5m dedication is required along Uplands Drive and a 2.75m dedication is required along Departure Bay Road.

The required 2.5m road dedication reduces the depth of proposed Lot 1 to 23.94m, as Lot 1 no longer meets the minimum required 30m lot depth, a variance of 6.06m is required. The required 2.75m road dedication reduces the depth of proposed Lot 2 from 30m to 27.69m, a proposed variance of 2.31m. The site plan of the proposed lot layout, including location of existing houses, is included as Figure 1 – Site Plan. *NOTE: Applicant's Rationale – Attachment A – Letter dated July 8, 2013.*

Required Variances

- ***Rear Yard Setback***

Section 7.5.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires that a rear yard setback of 7.5m be provided for lots within the single dwelling residential – R1 zone. The existing open deck on proposed Lot 1 is 3.14m from the proposed rear yard property line, but is allowed to encroach 2m into the required rear yard; therefore, a rear yard setback variance of 2.36m is required.

- ***Lot Depth***

Section 7.4.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a minimum lot depth of 30m for lots without a lane within the R1 zone. The proposed lot depth of Lot 1 is 23.94m; therefore, a lot depth variance of 6.06m is required. The proposed lot depth of Lot 2 is 27.69m, a proposed variance of 2.31m.

STAFF COMMENT:

Staff supports the requested variances and recommends that Council approve this application.

Respectfully submitted,



B. Anderson, MCIP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



A. Tucker, MCIP
DIRECTOR
PLANNING



T. Seward
ACTING GENERAL MANAGER
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

ATTACHMENT A



08 July 2013

Planning Department
City of Nanaimo
455 Wallace Street
Nanaimo, B.C.
V9R 5J6

Dear Sirs:

Re. Development Variance Permit Application-3105 Uplands Drive

Please find enclosed an application for a Development Variance Permit for the above noted property.

The owners of this property wish to subdivide the rear (Northern) portion of this property, in order to create two lots fronting Uplands Drive. In order to accommodate this, required 3 variances to be approved in order to allow a two-lot subdivision to occur.

Existing Lot A – Lot Depth

Existing Lot A –Rear of house to lot line

Proposed Lot 1 – Lot Depth

The subject parcel is an odd shape corner lot at the corner of Uplands Drive and Departure Bay Rd. Due to the age of the existing dwelling the current lot setbacks are non-conforming with today's' standards.

Although the layouts of the proposed lots do not meet the depth requirement within current zoning, the frontage of both of these lots make up for that area due to its shape.

The configuration on the lot of the existing dwelling provided excess land that is not being utilized to its full potential. The total size of this lot is 1017.5 square meteres which when subdivided into two lots fully meets the size requirement within R1 zoning.

The parcel is located in an established family neighbourhood, is on multiple bus routes and is within walking distance to schools.

By having these variances approved would allow the potential subdivision of this parcel, following the OCP by creating higher density and community development.

The following documentation is submitted in support of this application:

- o Completed Development Variance Permit application form
- o Application Fee-\$500
- o Appointment of Agent form
- o Certificate of Title
- o Survey indicating existing house, requested variances and proposed lots

We look forward to working with you through this application process, and Thank you for your consideration.

Sincerely,



Hans McFarlane
(250)885-4267